



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/23/95)

Agency: Public Disclosure Commission

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Repeal

(1) Date of adoption: May 25, 1999

(2) Purpose: The amendment makes minor changes to the internal review process for denials of access to information maintained by the agency.

(3) Citation of existing rules affected by this order:

Amended: WAC 390-14-040 Review of Denials of Public Records Requests.

(4) Statutory authority for adoption: RCW 42.17.370(1)

Other Authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 99-09-068 on April 19, 1999.

Describe any changes other than editing from proposed to adopted version: None.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____.

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If yes, explain:

(6) Effective date of rule:

Permanent Rules

☒ 31 days after filing

☐ Other: *

Emergency Rules

☐ Immediately

☐ Later:

* (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME

Vicki Rippie

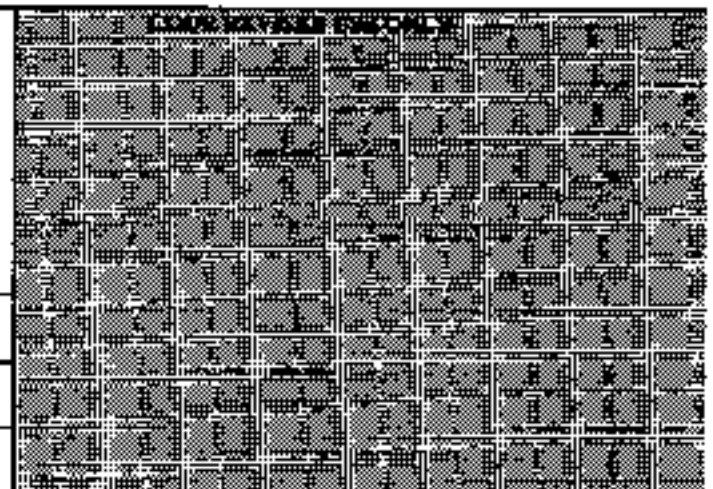
SIGNATURE

TITLE

Assistant Director

DATE

5-26-99



AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94;

WAC 390-14-040 Internal review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer (~~(or other staff member denying the request)~~) shall refer it to the chair of the commission. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial in accordance with RCW 42.17.320.

(j) Short explanation of rule, its purpose, and anticipated effects:

The rule assures the public that if a person is denied access to information by PDC staff, that person may request the Chair of the Public Disclosure Commission to review the denial. The proposed amendment does not alter this purpose. The amendment does specify that the Chair may affirm or reverse the denial in whole or in part and references the statutory section which the rule implements.

Does proposal change existing rules: ☒ **YES** ☐ **NO** **If yes, describe changes:**

The changes make technical adjustments to the rule.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ **YES. Attach copy of small business economic impact statement.**
A copy of the statement may be obtained by writing to:

☒ **NO. Explain why no statement was prepared.**

The proposed amendment does not have an economic impact on small businesses.

(l) Does section 201, chapter 403, Laws of 1995, apply to this rule adoption? ☐ **Yes** ☒ **No**
Please explain:

The Public Disclosure Commission is not specified in Section 201, chapter 403, Laws of 1995, as being subject to this section nor has it been brought under the section as otherwise provided in the chapter law.

AMENDATORY SECTION (Amending WSR 94-05-010, filed 2/3/94, effective 3/6/94)

WAC 390-14-040 Internal review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer (~~((or other staff member denying the request))~~) shall refer it to the chair of the commission. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial in accordance with RCW 42.17.320.